

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

333.9132 Consent of minor to provision of health care; notice; permission to contact parents for additional medical information; giving or withholding information without consent of minor; "health care" defined.

Sec. 9132.

(1) If a minor consents to the provision of prenatal and pregnancy related health care or to the provision of health care for a child of the minor by a health facility or agency licensed under article 17 or a health professional licensed under article 15, the consent shall be valid and binding as if the minor had achieved the age of majority. The consent is not subject to later disaffirmance by reason of minority. The consent of any other person, including the putative father of the child or a spouse, parent, guardian, or person in loco parentis, is not necessary to authorize the provision of health care to a minor or to a child of a minor.

(2) Before providing health care to a minor pursuant to this section, a health facility or agency or a health professional shall inform the minor that the putative father of the child or the minor's spouse, parent, guardian, or person in loco parentis may be notified pursuant to subsection (4).

(3) At the initial visit to the health facility or health professional, permission shall be requested of the minor to contact the minor's parents for any additional medical information which may be necessary or helpful to the provision of proper health care.

(4) For medical reasons, the treating physician, and on the advice and direction of the treating physician, a member of the medical staff of a health facility or agency or other health professional may, but is not obligated to, inform the putative father of the child or the spouse, parent, guardian, or person in loco parentis as to the health care given or needed. The information may be given to or withheld from these persons without consent of the minor and notwithstanding the express refusal of the minor to the providing of the information.

(5) As used in this section, "health care" means only treatment or services intended to maintain the life and improve the health of both the minor and the minor's child or fetus.

History: Add. 1984, Act 153, Imd. Eff. June 25, 1984 .

Popular Name: Act 368

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

333.6121 Consent by minor to treatment or services valid and binding; consent of other person unnecessary; information as to treatment; responsibility for service.

Sec. 6121.

(1) The consent to the provision of substance abuse related medical or surgical care, treatment, or services by a hospital, clinic, or health professional authorized by law executed by a minor who is or professes to be a substance abuser is valid and binding as if the minor had achieved the age of majority. The consent is not subject to later disaffirmance by reason of minority. The consent of any other person, including a spouse, parent, guardian, or person in loco parentis, is not necessary to authorize these services to be provided to a minor.

(2) For medical reasons the treating physician, and on the advice and direction of the treating physician, a member of the medical staff of a hospital or clinic or other health professional may, but is not obligated to, inform the spouse, parent, guardian, or person in loco parentis as to the treatment given or needed. The information may be given to or withheld from these persons without consent of the minor and notwithstanding the express refusal of the minor to the providing of the information.

(3) A spouse, parent, guardian, or person in loco parentis of a minor is not legally responsible for service provided under this section.

History: 1978, Act 368, Eff. Sept. 30, 1978 .

Popular Name: Act 368

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PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

333.6123 Substance abuse treatment and rehabilitation services for minor; request by parent or person in locoparentis; diagnostic evaluation; detoxification services; condition to performing services; performing services for physiologically dependent minor; use of psychotropic drugs.

Sec. 6123.

(1) A program that is requested by a child's parent or a person in loco parentis to a child to perform substance abuse treatment and rehabilitation services for the child may perform those services for the child without the child's consent if the child is less than 14 years of age, as verified by the child's parents or person acting in loco parentis, and if the request is made in writing.

(2) A minor's parent or a person in loco parentis to a minor may request that substance abuse treatment and rehabilitation services be provided to the minor by a program.

(3) If substance abuse treatment and rehabilitation services are requested under subsection (2) and the minor does not consent to the substance abuse treatment and rehabilitation services, the program shall cause to have conducted a diagnostic evaluation to determine whether the minor is physiologically dependent. Except as otherwise provided in subsection (4), a diagnostic evaluation shall be conducted within 48 hours of the request for substance abuse treatment and rehabilitation services.

(4) If it is determined during a diagnostic evaluation conducted under subsection (3) that the minor is in need of detoxification, the program may arrange for detoxification services and those services may be performed, with the consent of the minor's parent or person in loco parentis to the minor and without the minor's consent, for a period that shall not exceed 5 days. After the minor's detoxification, the program shall cause to have the minor's diagnostic evaluation completed within 48 hours.

(5) Except as otherwise provided in subsection (6), after a diagnostic evaluation has been completed under this section, substance abuse treatment and rehabilitation services shall not be performed unless 1 of the following occurs:

(a) The minor consents to substance abuse treatment and rehabilitation services.

(b) It is determined under section 6124 that substance abuse treatment and rehabilitation services are necessary for the minor.

(6) If it is determined as a result of a diagnostic evaluation conducted under this section that the minor is physiologically dependent, substance abuse treatment and rehabilitation services may be performed without the minor's consent pending a hearing under section 6124 and for a period that shall not exceed 7 business days.

(7) Psychotropic drugs shall not be used under this section by a program on a minor unless the minor consents or the court orders the use of the drugs at a hearing under section 6124.

History: Add. 1987, Act 224, Imd. Eff. Dec. 28, 1987 .

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PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

333.6124 Court determination; petition; appointment of guardian ad litem; notice of hearing; right to independent diagnostic evaluation; time of hearing; placement for minor; examination of evaluations; prohibitions; court records confidential.

Sec. 6124.

(1) A minor's parent or person in loco parentis to a minor may petition the court requesting the court's determination as to whether treatment and rehabilitation services are necessary for the minor.

(2) Upon receipt of a petition under subsection (1), the court shall appoint a guardian ad litem to represent the minor for the purposes of this section and sections 6125 and 6126 and shall notify all of the following persons of the time and place for the hearing:

(a) The minor's parents or person in loco parentis to the minor.

(b) The minor.

(c) The program director.

(d) The guardian ad litem for the minor.

(3) A minor shall have the right to an independent diagnostic evaluation by a substance abuse program licensed in this state under this section.

(4) A hearing on a petition under subsection (1) shall be held within 7 days of the court's receipt of the petition.

(5) At a hearing under this section, the court shall determine whether substance abuse treatment and rehabilitation services are necessary. If the court determines that substance abuse treatment and rehabilitation services are necessary, then the court shall determine a suitable placement for the minor in the least restrictive setting available.

(6) In making the determinations under subsection (5), the court shall obtain and examine the diagnostic evaluation and treatment plan prepared for the minor under section 6123. If an independent diagnostic evaluation was prepared, the court shall examine that evaluation. Information obtained under this section shall not be used to authorize a petition under section 2(a) of chapter XIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws.

(7) The court shall not order substance abuse treatment and rehabilitation services under this section on the grounds that the minor's parent or person in loco parentis to the minor is unwilling or unable to provide or arrange for the management, care, or residence of the minor.

(8) Court records maintained under this section shall be confidential and shall be open only by order of the court to persons having a legitimate interest.

History: Add. 1987, Act 224, Imd. Eff. Dec. 28, 1987 .

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